CPMG / KA / BG-GPO/13/2003-2005



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೦	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಮಾರ್ಚ್ ೧೭, ೨೦೦೫ (ಪಾಲ್ಗುಣ ೨೬, ಶಕ ವರ್ಷ ೧೯೨೬)	ಸಂಚಿಕೆ ೧೧

ಭಾಗ - ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 37 ಕೇಶಾಪ್ರ 2004, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 3ನೇ ಡಿಸೆಂಬರ್ 2004

2004ನೇ ಸಾಲಿನ ಅಕ್ಟೋಬರ್ 12ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Securities Laws (Amendment) Ordinance, 2004 (No. 4 of 2004) ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)
New Delhi, 12th October, 2004, Aswina 20,1926 (Saka)
THE SECURITIES LAWS (AMENDMENT) ORDINANCE, 2004
No. 4 OF 2004
Promulgated by the President in the Fifty-fifth Year of the Republic of India.
An Ordinance further to amend the Securities Contracts (Regulation) Act, 1956 and the Depositories Act, 1996.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance.

CHAPTER-I
PRELIMINARY

1. Short title and commencement:- (1) This Ordinance may be called the Securities Laws (Amendment) Ordinance, 2004.

(2) It shall come into force at once.

CHAPTER-II
AMENDMENTS TO THE SECURITIES CONTRACTS (REGULATION) ACT, 1956

2. Amendment of Section 2:- In section 2 of the Securities Contracts (Regulation) Act, 1956 42 of 1956 (hereafter in this Chapter referred to as the principal Act),-

(i) clause (aa) shall be re-lettered as clause (ac) thereof and before the clause (ac) as so re-lettered, the following clauses shall be inserted, namely:

'(aa) "Corporatisation" means the succession of a recognised stock exchange, being a body of individuals or a society registered under the Societies Registration Act, 1860, 21 of 1860 by another stock exchange, being a company incorporated for the purpose of assisting, regulating or controlling the business of buying, selling or dealing in securities carried on by such individuals or society;

(ab) "demutualisation" means the segregation of ownership and management from the trading rights of the members of a recognised stock exchange in accordance with a scheme approved by the securities and Exchange Board of India;

(ii) clause (ga) shall be re-lettered as clause (gb) thereof and before the clause (gb) as so re-lettered, the following clause shall be inserted, namely:

'(ga) "Scheme" means a scheme for corporatisation or demutualisation of a recognised stock exchange which may provide for-

(i) the issue of shares for a lawful consideration and provision of trading rights in lieu of membership cards of members of a recognised stock exchange;

(ii) the restrictions on voting irghts;

(iii) the transfer of property, business, assets rights, liabilities, recognitions, contracts of the recognised stock exchange, legal proceedings by, or against, the recognised stock exchange, whether in the name of the recognised stock exchange or any trustee or otherwise and any permission given to, or by, the recognisd stock exchange;

(iv) the transfer of employees of a recognised stock exchange to another recognised stock exchange;

(v) any other matter required for the purpose of, or in connection with, the corporatisation or demutualisation, as the case may be, of the recognised stock exchange;

(iii) in clause (h), after sub-clause (ic), the following sub-clause shall be inserted, namely:

"(id) units or any other such instrument issued to the investors under any mutual fund scheme";

(iv) for clause (j), the following clause shall be substituted, namely:

('J) "Stock exchange" means-

(a) any body of individuals, whether incorporated or not, constituted before corporatisation and demutualisation under sections 4A and 4B, or

(b) a body corporate incorporated under the Companies Act, 1956 1 of 1956 whether under a scheme of corporatisation and demutualisation or otherwise,

for the purpose of assisting, regulating or controlling the business of buying, selling or dealing in securities;

3. Insertion of new sections 4A and 4B:- After section 4 of the principal Act, the following sections shall be inserted, namely

'4A. Corporatisation and demutualisation of stock exchanges:- On and from the appointed date, all recognised stock exchanges (if not corporatised and demutualised before the appointed date) shall be corporatised and demutualised in accordance with the provisions contained in section 4B:

Provided that the Securities and Exchange Board of India may, if it is satisfied that any recognised stock exchange was prevented by sufficient cause from being corporatised and demutualised on or after the appointed date, specify another appointed date in respect of that recognised stock exchange and such recognised stock exchange may continue as such before such appointed date.

Explanation:- For the purposes of this section, "appointed date" means the date which the Securities and Exchange Board of India may, by notification in the Official Gazette, appoint and different appointed dates may be appointed for different recognised stock exchanges.

4B. Procedure for corporatisation and demutualisation:- (1) All recognised stock exchanges referred to in section 4A shall, within such time as may be specified by the Securitis and Exchange Board of India, Submit a scheme for corporation and demutualisation for its approval;

Provided that the Securities and Exchange Board of India, may, by notification in the Official Gazette, specify name of the recognised stock exchange, which had alteady been corporatised and demutualised, and such stock exchange shall not be required to submit the scheme under this section.

(2) On receipt of the scheme referred to in sub-section (1), the Securities and Exchange Board of India may, after making such enquiry as may be necessary in this behalf and obtaining such further information, if any, as it may require and if it is satisfied that it would be in the interest of the trade and also in the public interest, approve the scheme with or without modification.

(3) No scheme under sub-section (2) shall be approved by the Securities and Exchange Board of India if the issue of shares for a lawful consideration or provision of trading rights in lieu of membership card of the members of a recognised stock exchange or payment of dividends to members have been proposed out of any reserves or assets of that stock exchange.

(4) Where the scheme is approved under sub-section (2), the scheme so approved shall be published immediately by-

(a) the Securities and Exchange Board of India in the Official Gazette;

(b) the recognised stock exchange in such two daily newspapers circulating in India, as may be specified by the Securities and Exchange Board of India,

and upon such publication, notwithstanding anything to the contrary contained in this Act or any other law for the time being in force or any agreement, award, judgement, decree or other instrument for the time being in force, the scheme shall have effect and be binding on all persons and authorities including all members, creditors, depositors and employees of the recognised stock exchange and on all persons having any contract, right, power, obligation or liability with, against, over, to, or in connection with, the recognised stock exchange or its members.

(5) Where the Securities and Exchange Board of India is satisfied that it would not be in the interest of the trade and also in the public interest to approve the scheme under sub-section (2), it may, by an order, reject the scheme and such order of rejection shall be published by it in the Official Gazette:

Provided that the Securities and Exchange Board of India shall give a reasonable opportunity of being heard to all the persons concerned and the recognised stock exchange concerned before passing an order rejecting the scheme.

(6) The Securities and Exchange Board of India may, while approving the scheme under sub-section (2), by an order in writing, restrict-

(a) the voting rights of the shareholders who are also stock brokers of the recognised stock exchange;

(b) the right of shareholders or a stock broker of the recognised stock exchange to appoint the representatives on the governing board of the stock exchange;

(c) the maximum number of representatives of the stock brokers of the recognised stock exchange to be appointed on the governing board of the recognised stock exchange, which shall not exceed one-fourth of the total strength of the governing board.

(7) The order made under sub-section (6) shall be published in the Official Gazette and on the publication thereof, the order shall, notwithstanding anything to the contrary contained in the Companies 1, of 1956 Act, 1956, or any other law for the time being in force, have full effect.

(8) Every recognised stock exchange, in respect of which the scheme for corporatisation or demutualisation has been approved under sub-section (2), shall, either by fresh issue of equity shares to the public or in any other manner as may be specified by the regulations made by the Securities and Exchange Board of India, ensure that at least fifty-one per cent. of its equity share capital is held, within twelve months from the date of publication of the order under sub-section (7), by the public other than shareholders having trading rights:

Provided that the Securities and Exchange Board of India may, on sufficient cause being shown to it and in the public interest, extend the said period by another twelve months.'

4. Amendment section 5:- 4 Section 5 of the Principal Act shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:-

"(2) Where the recognised stock exchange has not been corporatised or demutualised or it fails to submit the scheme referred to in sub-section (1) of section 4B within the specified time therefor or the scheme has been rejected by the Securities and Exchange Board of India under sub-section (5) of Section 4B, the recognition granted to such stock exchange under Section 4, shall, notwithstanding anything to the contrary contained in this Act, stand withdrawn and the Central Government shall publish, by notification in the Official Gazette, such withdrawal of recognition.

Provided that no such withdrawal shall affect the validity of any contract entered into or made before the date of the notification, and the Securities and Exchange Board of India may, after consultation with the stock exchange, make such provisions as it deems fit in the order rejecting the scheme published in the Official Gazette under sub-section (5) of Section 4B."

5. Insertion of new section 8A.:- After section 8 of the principal Act, the following section shall be inserted, namely:

Clearing Corporation:- "8A.(1) A recognised stock exchange may, with the prior approval of the Securities and Exchange Board of India, transfer the duties and functions of a clearing house to a clearing corporation, being a company incorporated under the Companies 1of 1956 Act, 1956, for the purpose of-

(a) the periodical Settlement of contracts and differences thereunder;

(b) the delivery of, and payment for, securities;

(c) any other matter incidental to, or connected with, such transfer

2) Every clearing corporation shall, for the purpose of transfer to the duties and functions of a clearing house to a clearing corporation referred to in sub-section (1), make bye-laws and submit the same to the Securities and Exchange Board of India for its approval.

(3) The Securities and Exchange Board of India may, on being satisfied that it is in the interest of the trade and also in the public interest to transfer the duties and functions of a clearing house to a

clearing corporation, grant approval to the byelaws submitted to it under sub-section (2) and approve transfer of the duties and functions of a clearing house to a clearing corporation referred to in sub-section (1).

(4) The provisions of sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 shall, as far as may be, apply to a clearing corporation referred to in sub-section (1) as they apply in relation to a recognised stock exchange".

6. Insertion of new section 12A:- After Section 12 of the Principal Act, the following section shall be inserted, namely:

Power to issue directions:- "12A. If, after making or causing to be made an inquiry, the Securities and Exchange Board of India is satisfied that it is necessary-

(a) in the interest of investors, or orderly development of securities market; or

(b) to prevent the affairs of any recognised stock exchange, or, clearing corporation, or such other agency or person, providing trading or clearing or settlement facility in respect of securities, being conducted in a manner detrimental to the interests of investors or securities market; or

(c) to secure the proper management of any such stock exchange or clearing corporation or agency or person, referred to in clause (b),

it may issue such directions,-

(i) to any stock exchange or clearing corporation or agency or person referred to in clause (b) or any person or class of persons associated with the securities market; or

(ii) to any company whose securities are listed or proposed to be listed in a recognised stock exchange,

as may be appropriate in the interests of investors in securities and the securities market".

Amendment of section 13:- 7 In section 13 of the principal Act,-

(a) for the words "between members of a recognised stock exchange", the words "between members of a recognised stock exchange or recognised stock exchanges" shall be substituted;

(b) for the words "State or area" wherever they occur, the words "State or States or area" shall be substituted;

(c) the following proviso shall be inserted, namely:

"Provided that any contract entered into between members of two or more recognised stock exchanges in such State or States or area, shall-

(i) be subject to such terms and conditions as may be stipulated by the respective stock exchanges with prior approval of Securities and Exchange Board of India;

(ii) require prior permission from the respective stock exchanges if so stipulated by the stock exchanges with prior approval of Securities and Exchange Board of India."

Insertion of new section 21A:- 8. After section 21 of the principal Act, the following section shall be inserted, namely:

Delisting of securities:- "21A. (1) A recognised stock exchange may delist the securities, after recording the reasons therefor, from any recognised stock exchange on any of the ground or grounds as may be prescribed under this Act.

Provided that the securities of a company shall not be delisted unless the company concerned has been given a reasonable opportunity of being heard.

(2) A listed company or an aggrieved investor may file an appeal before the Securities Appellate Tribunal against the decision of the recognised stock exchange delisting the securities within fifteen days from the date of the decision of the recognised stock exchange delisting the securities and the provisions of sections 22B to 22E of this Act, shall apply, as far as may be, to such appeals:

Provided that the Securities Appellate Tribunal may, if it is satisfied that the company was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding one month."

Substitution of new section for section 22F:- 9. For section 22F of the principal Act, the following section shall be substituted, namely:

Appeal to Supreme Court:- "22F. Any person aggrieved by any decision or order of the Securities Appellate Tribunal may file an appeal to the Supreme Court within sixty days from the date of communication of the decision or order of the Securities Appellate Tribunal to him on any question of law arising out of such order.

Provided that the Supreme Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days."

Amendment of Section 23:- 10. In section 23 of the principal Act,-

(a) in sub-section (1), after clause (i), for the words "shall, on conviction, be punishable with imprisonment for a term which may extend to one year, or with fine or with both", the words "shall, without

prejudice to any award of penalty by the Adjudicating Officer under this Act, on conviction, be punishable with imprisonment for a term which may extend to ten years or with fine, which may extend to twenty-five crore rupees, or with both" shall be substituted;

(b) in sub-section (2),-

(i) for the word and figures "section 21," the words, figures and letter "section 21 or section 21A" shall be substituted.

(ii) for the words "shall, on conviction, be punishable with fine which may extend to one thousand rupees", the words "shall, without prejudice to any award of penalty by the Adjudicating Officer under this Act, on conviction, be punishable with imprisonment for a term which may extend to twenty-five crore rupees, or with both" shall be substituted.

11. Insertion of new sections 23A to 23-O:- After section 23 of the principal Act, the following sections shall be inserted, namely:

Penalty for failure to furnish information, return, etc.,:- "23A. Any person who is required under this Act or any rules made thereunder,-

(a) to furnish any information, document, books, returns or report to a recognised stock exchange, fails to furnish the same within the time specified therefor in the listing agreement or conditions or bye-laws of the recognised stock exchange, shall be liable to a penalty of one lakh rupees for each day during which such failure continues or one crore rupees, whichever is less for each such failure;

(b) to maintain books of account or records, as per the listing agreement or conditions, or bye-laws of a recognised stock exchange, fails to maintain the same, shall be liable to a penalty of one lakh rupees for each day during which such failure continues or one crore rupees, whichever is less.

Penalty for failure by any person to enter into an agreement with clients:- 23B. If any person, who is required under this Act or any bye-laws of a recognised stock exchange made thereunder, to enter into an agreement with his client, fails to enter into such an agreement, he shall be liable to a penalty of one lakh rupees for each day during which such failure continues or one crore rupees, whichever is less for every such failure.

Penalty for failure to redress Investors' grievances:- 23C. If any stock broker or sub-broker or a company whose securities are listed or proposed to be listed in a recognised stock exchange, after having been called upon by the Securities and Exchange Board of India or a recognised stock exchange in writing, to redress the grievances of the investors, fails to redress such grievances within the time stipulated by the Securities and Exchange Board of India or a recognised Stock Exchange, he or it shall be liable to a penalty of one lakh rupees for each day during which such failure continues or one crore rupees, whichever is less.

Penalty for failure to segregate securities or moneys of client or clients:- 23D. If any person, who is registered under section 12 of the Securities and Exchange Board of India 15 of 1992. Act, 1992 as a stock broker or sub-broker, fails to segregate securities or moneys of the client or clients or uses the securities or moneys of a client or clients for self or for any other client, he shall be liable to a penalty not exceeding one crore rupees.

Penalty for failure to comply with provision of listing conditions or delisting conditions or grounds:- 23E. If a company of any person managing collective investment scheme or mutual fund, fails to comply with the listing conditions or delisting conditions or grounds or commits a breach thereof, it or he shall be liable to a penalty not exceeding twenty-five crore rupees.

Penalty for excess dematerialisation or delivery of unlisted securities:- 23F. If any person dematerialises securities more than the issued securities of a company or delivers in the stock exchanges the securities which are not listed in the recognised stock exchange or delivers securities where no trading permission has been given by the recognised stock exchange, he shall be liable to a penalty not exceeding twenty-five crore rupees.

Penalty for failure to furnish periodical returns, etc.,:- 23G. If a recognised stock exchange fails or neglects to furnish periodical returns to the Securities and Exchange Board of India or fails or neglects to make or amend its rules or bye-laws as directed by the Securities and Exchange Board of India or fails to comply with directions issued by the Securities and Exchange Board of India, such recognised stock exchange shall be liable to a penalty which may extend to twenty-five crore rupees.

Penalty for contravention where no separate penalty has been provided:- 23H. Whoever fails to comply with any provision of this Act, the rules or articles or bye-laws or the regulations of the recognised stock exchange or directions issued by the Securities and Exchange Board of India for which no separate penalty has been provided, shall be liable to a penalty which may extend to one crore rupees.

Power to adjudicate:- 23-I. (1) For the purposes of adjudging under sections 23A, 23B, 23C, 23D, 23E, 23F, 23G and 23H, the Securities and Exchange Board of India shall appoint any officer not below the rank of a Division Chief of the Securities and Exchange Board of India to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.

(2) While holding an inquiry, the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, no such inquiry, he is satisfied that the person has failed to comply with the provisions of any of the sections specified in sub-section (1), he may impose such penalty as he thinks fit in accordance with the provisions of any of those sections.

Factors to be taken into account by the adjudicating Officer:- 23J. While adjudging the quantum of penalty under section 23-I, the adjudicating officer shall have due regard to the following factors, namely

(a) the amount of disproportionate gain or unfair advantage, wherever quantificable, made as a result of the default;

(b) the amount of loss caused to an investor or group of investors as a result of the default;

(c) the repetitive nature of the defalut.

Crediting sum realised by way of penalties to Consolidated Fund of India:-23K. All sums realised by way of penalties under this Act shall be credited to the Consolidated Fund of India.

Appeal to Securities Appeallate Tribunal:- 23L. (1) Any person aggrieved, by the order or decision of the recognised stock exchange or the adjudicating officer or any order made by the Securities and Exchange Board of India under section 4B, may prefer an appeal before the Securities Appeallate Tribunal and the provisions of sections 22B, 22C, 22D and 22E of this Act, shall apply, as far as may be, to such appeals.

(2) Every appeal under sub-section (1) shall be filed within a period of forty-five days from the date on which a copy of the order or decision is received by the appellant and it shall be in such from and be accompanied by such fee as may be prescribed.

Provided that the Securities Appellate Tribunal may entertain an appeal after the expiry of the said period of forty-five days if it is satisfied that there was sufficient cause for not filing it within that period.

(3) On receipt of an appeal under sub-section (1), the Securities Appellate Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order appealed againt.

(4) The Securities Appeallate Tribunal shall send a copy of every order made by it to the parties to the appeal and to the concerned adjudicating officer.

(5) The appeal filed before the Securities Appellate Tribunal under sub-section (1) shall be dealt with by it as expeditionusly as possible and endeavour shall be made by it to dispose of the appeal finally within six months from the date of receipt of the appeal.

Offences:- 23M. (1) Without prejudice to any award of penalty by the adjudicating officer under this Act, if any person contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules or regulations or bye-laws made thereunder, for which no punishment is provided elsewhere in this Act, he shall be punishable with imprisonment for a term which may extend to ten years, or with fine, which may extend to twenty-five crore rupees or with both.

(2) If any person fails to pay the penalty imposed by the adjudicating officer or fails to comply with any of his directions or orders, he shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to ten years, or with fine, which may extend to twenty-five crore rupees, or with both.

Composition of certain offences:- 23N. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this 2 of 1974 Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may either before or after the institution of any proceeding, be compounded by a Securities Appellate Tribunal or a court before which such proceedings are pending.

Power to grant immunity:- 23-O (1) The Central Government may, on recommendation by the Board, if the Central Government is satisfied, that any person, who is alleged to have violated any of the provisions of this Act or the rules or the regulations made thereunder, has made a full and true disclosure in respect of alleged violation, grant to such person, subject to such conditions as it may think fit to impose, immunity from prosecution for any offence under this Act, or the rules or the regulations made thereunder or also from the imposition of any penalty under this Act with respect to the alleged violation:

Provided that no such immunity shall be granted by the Central Government in cases where the proceedings for the prosecution for any such offence have been instituted before the date of receipt of application for grant of such immunity:

Provided further that the recommendation of the Securities Exchange Board of India under this sub-section shall not be binding upon the Central Government.

(2) An immunity granted to a person under sub-section (1) may, at any time, be withdrawn by the Central Government, if it is satisfied that such person had, in the course of the proceedings, not complied with the condition on which the immunity was granted or had given false evidence, and thereupon such person may be tried for the offence with respect to which the immunity was granted or for any other

offence of which he appears to have been guilty in connection with the contravention and shall also become liable to the imposition of any penalty under this Act to which such person would have been liable, had not such immunity been granted.".

Amendment of Section 25:- 12. In section 25 of the principal Act, the words, brackets and figure "sub-section (1) of" shall be omitted.

Substitution of new section for section 26:- 13. For section 26 of the principal Act, the following section shall be substituted, namely:

Cognizance of offences by courts:- "26. (1) No court shall take cognizance of any offence punishable under this Act or any rules or regulations or bye-laws made thereunder, save on a complaint made by the Central Government or State Government or the Securities and Exchange Board of India or a recognised stock exchange or by any person.

(2) No court inferior to that of a Court of Session shall try any offence punishable under this Act."

Insertion of new section 27B:- 14. After section 27A of the principal Act, the following section shall be inserted, namely:

Right to receive income from mutual fund:- "27B. (1) It shall be lawful for the holder of any securities, being units or other instruments issued by any mutal fund, whose name appears on the books of the mutual fund issuing the said security to receive and retain any income in respect of units or other instruments issued by the mutual fund declared by the mutual fund in respect thereof for any year, notwithstanding that the said security, being units or other instruments issued by the mutual fund, has already been transferred by him for consideration, unless the transferee who claims the income in respect of units or other instruments issued by the mutual fund from the transferor has lodged the security and all other documents relating to the transfer which may be required by the mutual fund with the mutual fund for being registered in his name within fifteen days of the date on which the income in respect of units or other instruments issued by the mutual fund became due.

Explanation:- The period specified in this section shall be extended-

(i) in case of death of the transferee, by the actual period taken by his legal representative to establish his claim to the income in respect of units or other instrument issued by the mutual fund;

(ii) in case of loss of the transfer deed by theft or any other cause beyond the control of transferee, by the actual period taken for the replacement thereof; and

(iii) in case of dealy in the lodging of any security, being units or other instruments issued by the mutual fund, and other documents relating to the transfer due to causes connected with the post, by the actual period of the delay.

(2) Nothing contained in sub-section (1) shall affect-

(a) the right of a mutual fund to pay any income from units or other instruments issued by the mutual fund which has become due to any person whose name is for the time being registered in the books of the mutual fund as the holder of the security being units or other instruments issued by the mutual fund in respect of which the income in respect of units or other instruments issued by mutual fund has become due; or

(b) the right of transferee of any security, being units or other instruments issued by the mutual fund, to enforce against the transferor or any other person his rights, if any, in relation to the transfer in any case where the mutual fund has refused to register the transfer of the security being units or other instruments issued by the mutual fund in the name of the transferee."

15. Amendment of section 30:- In section 30 of the principal Act, in sub-section (2), for the existing clause (ha), the following clauses shall be substituted, namely:

"(ha) the grounds on which the securities of a company may be delisted from any recognised stock exchange under sub-section (1) of section 21A;

(hh) the form in which an appeal may be filed before the Securities Appeallate Tribunal under sub-section (2) of Section 21A and the fees payable in respect of such appeal;

(hc) the form in which an appeal may be filed before the Securities Appeallate Tribunal under section 22.A and the fees payable in respect of such appeal;

(hd) the manner of inquiry under sub-section (1) of section 23-I;

(he) the form in which an appeal may be filed before the Securities Appellate Tribunal under section 23L and the fees payable in respect of such appeal;"

CHAPTER-III

AMENDMENTS OF THE DEPOSITORIES ACT, 1996

16. Insertion of new sections 19A, 19B, 19C, 19D, 19E, 19F, 19G, 19H, 19-I and 19J:- After section 19 of the Depositories Act, 1996 (hereafter in this Chapter referred to as the principal Act,) the following sections shall be inserted, namely:

Penalty for failure to furnish information, return, etc:- "19A. Any person who is required under this Act or any rules or regulations or bye-laws made thereunder,-

(a) to furnish any information, document, books, returns or report to the Board, fails to furnish the same within the time specified therefor, he shall be liable to a penalty of one lakh rupees for each day during which such failure continues or one crore rupees, whichever is less for each such failure;

(b) to file any return or furnish any information, books or other documents within the time specified therefor in the regulations or the bye-laws, fails to file return or furnish the same within the time specified therefor, he shall be liable to a penalty of one lakh rupees for each day during which such failure continues or one crore rupees, whichever is less;

(c) to maintain books of account or records, fails to maintain the same, he shall be liable to a penalty of one lakh rupees for each day during which such failure continues or one crore rupees, whichever is less.

Penalty for failure to enter into an agreement:- 19B. If a depository or participant or any issuer or its agent or any person, who is registered as an intermediary under the provisions of section 12 of the Securities and Exchange Board of India 15 of 1992 Act, 1992 and is required under this Act or any rules or regulations made thereunder, to enter into an agreement, fails to enter into such agreement, such depository or participant or issuer or its agent or intermediary shall be liable to a penalty of one lakh rupees for each day during which such failure continues or one crore rupees, whichever is less for every such failure.

Penalty for failure to redress Investors' grievances:- 19C. If any depository or participant or any issuer or its agent or any person, who is registered as an intermediary under the provisions of section 12 of the Securities and Exchange Board of India 15 of 1992 Act, 1992, after having been called upon by the Board in writing, to redress the grievances of the investors, fails to redress such grievances within the time specified by the Board, such depository or participant or issuer or its agent or intermediary shall be liable to a penalty of one lakh rupees for each day during which such failure continues or one crore rupees, whichever is less.

Penalty for delay in dematerialisation or issue of certificate of securities:- 19D. If any issuer or its agent or any person, who is registered as an intermediary under the provisions of section 12 of the Securities and Exchange Board of India 15 of 1992 Act, 1992, fails to dematerialise or issue the certificate of securities on opting out of a depository by the investors, within the time specified under this Act or regulations or bye-laws made thereunder or abets in delaying the process of dematerialisation or issue the certificate of securities on opting out a of a depository of securities, such issuer or its agent or intermediary shall be liable to a penalty of one lakh rupees for each day during which such failure continues or one crore rupees, whichever is less.

Penalty for failure to reconcile records:- 19E. If a depository or participant or any issuer or its agent or any person, who is registered as an intermediary under the provisions of section 12 of the Securities and Exchange Board of India 15 of 1992 Act, 1992, fails to reconcile the records of dematerilaised securities with all the securities issued by the issuer as specified in the regulations, such depository or participant or issuer or its agent or intermediary shall be liable to a penalty of one lakh rupees for each day during which such failure continues or one crore rupees, whichever is less.

Penalty for failure to comply with directions issued by Board under section 19:- 19F If any person fails to comply with the directions issued by the Board under section 19, within the time specified by it, he shall be liable to a penalty of one lakh rupees for each day during which such failure continues or one crore rupees, whichever is less.

Penalty for contravention where no separate penalty has been provided:- 19G. Whoever fails to comply with any provision of this Act, the rules or regulations or bye-laws made or directions issued by the Board thereunder for which no separate penalty has been provided, shall be liable to a penalty which may extend to one crore rupees.

Power to adjudicate:- 19H. (1) For the purpose of adjudging under sections 19A, 19B, 19C, 19D, 19E, 19F and 19G, the Board shall appoint any officer not below the rank of a Division Chief of the Securities and Exchange Board of India to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.

(2) While holding an inquiry, the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to comply with the provisions of any of the sections specified in sub-section (1), he may impose such penalty as he thinks fit in accordance with the provisions of any of those sections.

Factors to be taken into account by adjudicating officer:-19-I While adjudging the quantum of penalty under section 19H, the adjudicating officer shall have due regard to the following factors, namely:

(a) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the defalut;

(b) the amount of loss caused to an investor or group of investors as a result of the default;

(c) the repetitive nature of the default.

Crediting sum realised by way of penalties to Consolidated Fund of India:- 19J. All sums realised by way of penalties under this Act shall be credited to the Consolidated Fund of India".

17. Substitution of new section for section 20:- For section 20 of the principal Act, the following section shall be substituted, namely:

"20. (1) Without prejdice to any award of penalty by the adjudicating officer under this Act, if any person contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules or regulations or bye-laws made thereunder, he shall be punishable with imprisonment for a term which may extend to ten years, or with fine, which may extend to twenty-five crore rupees, or with both.

(2) If any person fails to pay the penalty imposed by the adjudicating officer or fails to comply with any of his directions or orders, he shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to ten years, or with fine, which may extend to twenty-five crore rupees, or with both."

18. Substitution of new sections for section 22:- For section 22 of the principal Act, the following sections shall be substituted, namely:

Cognizance of offences by courts:- "22. (1) No Court shall take cognizance of any offence punishable under this Act or any rules or any regulations or bye-laws made thereunder, save on a complaint made by the Central Government or State Government or the Securities and Exchange Board of India or by any person.

(2) No court inferior to that of a Court of Session shall try any offence punishable under this Act.

Composition of certain offences:- 22A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may either before or after the institution of any proceeding, be compounded by a Securities Appeallate Tribunal or a court before which such proceedings are pending.

Power to grant immunity:- 22B. (1) The Central Government may, on recommendation by the Board, if the Central Government is satisified, that any person, who is alleged to have violated any of the provisions of this Act or the rules or the regulations made thereunder, has made a full and true disclosure in respect of alleged violation, grant to such person, subject to such conditions as it may think fit to impose, immunity from prosecution for any offence under this Act, or the rules or the regulations made thereunder or also from the imposition of any penalty under this Act with respect to the alleged violation.

Provided that no such immunity shall be granted by the Central Government in cases where the proceedings for the prosecution for any such offence have been instituted before the date of receipt of application for grant of such immunity:

Provided further that recommendation of the Board under this sub-section shall not be binding upon the Central Government.

(2) An immunity granted to a person under sub-section (1) may, at any time, be withdrawn by the Central Government, if it is satisfied that such person had, in the course of the proceedings, not complied with the condition on which the immunity was granted or had given false evidence, and thereupon such person may be tried for the offence with respect to which the immunity was granted or for any other offence of which he appears to have been guilty in connection with the contravention and shall also become liable to the imposition of any penalty under this Act to which such person would have been liable, had not such immunity been granted."

19. Amendment of section 23A:- In Section 23A of the principal Act, in sub-section (1), after the words, brackets and figures "Save as provided in sub-section (2), any person aggrieved by an order of the Board made, on and after the commencement of the Securities Laws (Second Amendment) Act, 1999, under this Act, or the regulations made thereunder," and before the words "may prefer an appeal to a Securities Appellate Tribunal having a jurisdication in the matter," the words "or by an order made by an adjudicating officer under this Act" shall be inserted.

20. Substitution of new section for section 23F:- For section 23F of the Principal Act, the following shall be substituted, namely:

Appeal to Supreme Court:- "23F. Any person aggrieved by any decision or order of the Securities Appellate Tribunal may file an appeal to the Supreme Court within sixty days from the date of communication of the decision or order of the Securities Appellate Tribunal to him on any question of law arising out of such order.

Provided that the Supreme Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days."

Amendment of Section 24:- 21. In section 24 of the Principal Act, in sub-section (2), for clause (a), the following clauses shall be substituted, namely:

"(a) the manner of inquiry under sub-section (1) of section 19H;

(aa) the time within which an appeal may be preferred under sub-section (1) of section 23;"

A.P.J. ABDUL KALAM
President.

T. K. VISWANATHAN
Secy. to the Govt. of India.

ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರಭಾರ),
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 210

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 218 ಕೇನಿಪ್ರ 2004, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 2ನೇ ಡಿಸೆಂಬರ್ 2004

2004ನೇ ಸಾಲಿನ ಆಗಸ್ಟ್ 31 ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3 (ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 974(E), [F.No. 1(5) 2004-CPU] S.O.952(E) [Notification No. 468/12/2004-CUS-V] ಮತ್ತು 951(E) [Notification No. F.No.468/12/2004-CUS-V] ದಿನಾಂಕ: 26.8.2004 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(Department of Consumer Affairs)
NOTIFICATION
New Delhi, the 31st August, 2004

S.O. 974(E):- In exercise of the powers conferred by Sub-section 22C of the Consumer Protection Act, 1986 (68 of 1986), the Central Government, in consultation with the National Consumer Disputes Redressal Commission, hereby notifies the following places as the places other than New Delhi at which the said Commission shall perform its functions, namely:

1. Ahmedabad 2. Allahabad 3. Bangalore 4. Bhopal
5. Chennai 6. Hyderabad 7. Jodhpur 8. Kolkata
9. Lucknow 10. Nagpur 11. Pune

[F.No.1(5)/2004-CPU)
SATWANT REDDY, Addl. Secy.

MINISTRY OF FINANCE
(Department of Revenue)
(CENTRAL BOARD OF LXCISE AND CUSTOMS)
NOTIFICATION
New Delhi, the 26th August, 2004
No. 96/2004-(NT)-CUSTOMS

S.O. 952 (E).- In exercise of the powers conferred by sub-clause (i) of clause (a) of Sub-section (3) of Section 14 of the Customs Act, 1962 (52 of 1962) and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 91/2004-NT-Customs, dated the 27th July, 2004 [S.O. 851 (e) dated the 27th July, 2004], the Board hereby determines for the purposes of said section, relating to export goods, that the rate of exchange of conversion of each of the foreign currency specified in column (2) of each of Schedule I and Schedule II appended hereto into Indian Currency or vice versa shall, with effect from the 1st September, 2004, be the rate mentioned against it in the corresponding entry in column (3) thereof.

SCHEDULE-I

Sl. No.	Foreign Currency	Rate of exchange of one unit of foreign currency equivalent to Indian Rupees
1	2	3
1.	Australian Dollar	32.60
2.	Canadian Dollar	35.35
3.	Danish Kroner	7.50
4.	EURO	55.65
5.	Hong Kong Dollar	5.90
6.	Norwegian Kroner	6.70

1	2	3
7.	Pound Sterling	82.80
8.	Swedish Kroner	6.05
9.	Swiss Franc	36.20
10.	Singapore Dollar	26.95
11.	US Dollar	46.15

SCHEDULE-II

Sl. No.	Foreign Currency	Rate of exchange of one unit of foreign currency equivalent to Indian Rupees
1	2	3
1.	Japanese Yen	42.10

[F.No.468/12/2004-CUS-])

D. S GARBYAL, Under. Secy.

MINISTRY OF FINANCE
(Department of Revenue)
(CENTRAL BOARD OF EXCISE AND CUSTOMS)
NOTIFICATION
New Delhi, the 26th August, 2004
No. 95/2004-(NT)-CUSTOMS

S.O. 951 (E).- In exercise of the powers conferred by sub-clause (i) of clause (a) of Sub-section (3) of Section 14 of the Customs Act, 1962 (52 of 1962) and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 90/2004-NT-Customs, dated the 27th July, 2004 [S.O. 850 (E) dated the 27th July, 2004], the Board hereby determines for the purposes of said section, relating to imported goods, that the rate of exchange of conversion of each of the foreign currency specified in column (2) of each of Schedule I and Schedule II appended hereto into Indian currency or vice versa shall, with effect from the Ist September, 2004, be the rate mentioned against it in the corresponding entry in column (3) thereof.

SCHEDULE-I

Sl. No.	Foreign Currency	Rate of exchange of one unit of foreign currency equivalent to Indian Rupees
1	2	3
1.	Australian Dollar	32.90
2.	Canadian Dollar	35.65
3.	Danish Kroner	7.55
4.	EURO	56.20
5.	Hong Kong Dollar	5.95
6.	Norwegian Kroner	6.75
7.	Pound Sterling	83.55
8.	Swedish Kroner	6.15
9.	Swiss Franc	36.55
10.	Singapore Dollar	27.20
11.	US Dollar	46.50

SCHEDULE-II

Sl. No.	Foreign Currency	Rate of exchange of one unit of foreign currency equivalent to Indian Rupees
1	2	3
1.	Japanese Yen	42.50

[F.No.468/12/2004-CUS-V])

D. S GARBYAL, Under. Secy.

ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರಭಾರ),
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 211

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 219 ಕೇನಿಪ್ರ 2004, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 2ನೇ ಡಿಸೆಂಬರ್ 2004

2004ನೇ ಸಾಲಿನ ಆಗಸ್ಟ್ 6 ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 899(E), [Notification No. F.No.109-16/2004-Trade] ಮತ್ತು S.O.897 (E) [Notification No. F. No. 23(21)/1999-HSMD] ದಿನಾಂಕ: 6.8.2004 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF AGRICULTURE

(Department of Animal Husbandry and Dairying)

NOTIFICATION

New Delhi, the 6st August, 2004

S.O. 899(E):- In exercise of the powers conferred by Sub-section (1) of Section 3 and Section 3A of the Live-stock Importation Act, 1898 (9 of 1898), the Central Government hereby prohibits, with effect from date of publication of this notification, import into India from all countries in view of the reported outbreak of Highly Pathogenic Avian Influenza (Fowl Plague), the following livestock and livestock products, namely:

(i) domestic and wild birds including the captive birds;
(ii) live pig and pig meat products (except processed pig meat products);
(iii) meat and meat products from avian species including wild birds (except processed poultry meat and poultry meat products);
(iv) semen of domestic and wild birds;
(v) Products of animal origin (from birds) intended for use in animal feeding or for agricultural or industrial use.

Further, in exercise of the powers conferred by Sub-section (1) of Section 3 and Section 3A of the said Act, the Central Government hereby prohibits also the import into India from the countries reporting the outbreak of Highly Pathogenic Avian Influenza (Fowl Plague), the following livestock and livestock products, namely:

(i) day old chicks, ducks, turkey and other newly hatched avian species;
(ii) hatching eggs;
(iii) eggs and egg products;
(iv) meat and meat products from avian species including wild birds;
(v) Feathers;
(vi) pig meat products;
(vii) Pathological material and biological products from birds.

2. The prohibition shall be in force for a period of six months from the date of publication of this notification or till such time it is modified or withdrawn whichever is earlier.

[F.No.109-16/2004-Trade]
TAPESHPAWAR Jt. Secy.

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 6th August, 2004

S.O.897(E):- Whereas by notification of the Government of India in the Ministry of Environment and Forests number S.O. 594(E) dated 28th July, 1989 issued under Sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government notified the Hazardous Wastes (Management and Handling) Rules, 1989;

Whereas, sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986 provides that, whenever it appears to the Central Government that it is in public interest to do so it may dispense with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules;

And whereas, the Central Government is of the opinion that it is in public interest to dispense with the requirement of notice under clause (a) of sub-rule (3) of the rule 5 of the said rules;

Now, therefore, in exercise of the powers conferred by Section 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following rules further to amend the Hazardous Wastes (Management and Handling) Rules, 1989 namely:

1. (1) These rules may be called the Hazardous Wastes (Management and Handling) Second Amendment Rules, 2004.

   (2) The shall come into force on the date of their publication in the Official Gazette.
2. In the Hazardous Wastes (Management and Handling) Rules 1989, in rule 21, in sub-rule (1), for the words and figures, "In case of used Oil, re-refiners using acid clay process or modified acid clay process shall switch over within six months from the date of commencement of the Hazardous Wastes (Management and Handling) Amendment Rules, 2003 to other environmentally sound technologies as under:-", the following words, letters and figures shall be substituted, namely:-

"In case of used oil, re-refiners using acid clay process or modified acid clay process shall switch over on or before 31st December, 2004 to other environmentally sound technologies as under.

[F.No.23/(21)/1999-HSMD]

R. K. VAISH, Jt. Secy.

Note: The principal notification was published in the Gazette of India, Extraordinary vide S.O. 594(E), dated 28th July 1989 and subsequently amended vide S.O. 24(E), dated 6th January, 2000, S.O. 593(E), dated 20th May, 2003 and S.O.826(E), dated 19th July, 2004.

ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಪಿ.ಆರ್. 212 ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರಭಾರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

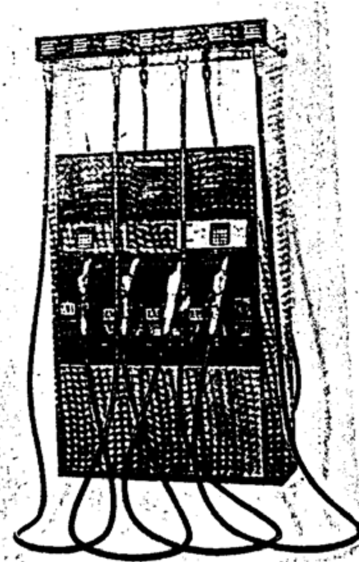
ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 220 ಕೇನಿಪ್ರ 2004, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 2ನೇ ಡಿಸೆಂಬರ್ 2004

2004ನೇ ಸಾಲಿನ ಜುಲೈ 10 ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 1569, [Notification No. F.No.WM-21(64)/2003], S.O.1570 [Notification No. F. No. WM-21(143)/2003] ಮತ್ತು 1572 [Notification No. F.No. WM-21 (200)/2002] ದಿನಾಂಕ: 24.6.2004 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

New Delhi, the 16th June, 2004

S.O. 1570:- Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval certificate issued by the Beijing Chang Gi Service Station, Equipment Co. Limited, Binhe Industrial Zone, Jianshi Road W. Pinggu, 101 200 Beijing, People' Republic of China, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by third proviso to Sub-sections (3) and Sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Fuel Dispensing Pumps of Advantage Series No. TF 7202 manufactured by beijing Chang Gi Service Station, Equipment Co Limited, Binhe Industrial Zone, Jianshi Road W. Pinggu, 101 200 Beijing, People' Republi of China, marketed in India without making any addition or alteration in the imported approval instruments before or after sale, by M/s. Veeder Root Asia Pvt. Limited, 16 Aviskhar, Mahant Road. Vile Parle East, Mumbai-400 057 and which is assigned the approval mark IND/13/03/629:



The Modeal is a Multi Product Fuel Dispenser with maximum flow rate of 50 litre/minute and minimum flow rate of litre/mimute and belonging to accuracy class 0.3 The minimum measure quantity is

5 litres. The maximum unit price is indicated on a digital display of 4 digits and maximum price to pay indicated on 6 digit display.

[F.No.WM-21(143)/2003]

P. A. KRISHNAMOORTHY,

Director, Legal Metrology.

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

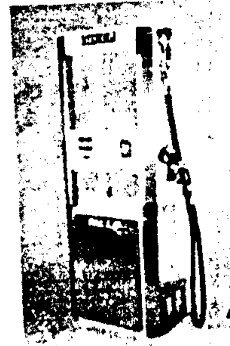
(Department of Consumer Affairs)

New Delhi, the 16th June, 2004

S.O.1569:- Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval certificate issued by the National Conference of Weights and Measures USA, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by third proviso to Sub-section (3) and Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the Model of Auto LPG Dispensers of "Pro C" brand of series 6000 and 7000 manufactured by Clean Fueling Technologies (CFT), 140 Market Street, Georgetown, Taxas 78626, USA and marketed in India by M/s HT Process controls (P) Ltd, 99 DHSIDC, Industrial Estate, Sector 31, Faridabad 121003, and which is assigned the approval mark IND/13/2003/590;





The said Model is a LPG Retail Motor Fuel Dispenser with digital display. The sales display and volume display are indicated by a 7 digits display and Unit price display is indicated by a 5 digit display. An electronic totalizer indicates the totalized sales. The said model has the features of single or dual hose configuration, back lighted liquid crystal display, battery back, built in vapour eliminator and pressured differential valve. Maximum flow rate is 151 litre per minute and minimum flow rate is 9.4 litre per minute. Maximum pressure is 20.4 kg/cm2 the machine handles Liquefied Compressed Gas (LPG)

[F.No. WM-21(64)/2003

P. A. KRISHNAMOORTHY

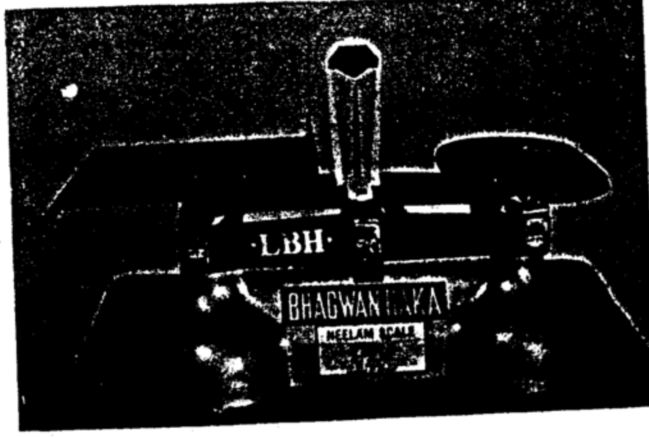
Director, Legal Metrology

New Delhi, the 24th June 2004

S.O. 1572:- Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the Powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Counter Machine with brand name "LBH" (herein referred to as the Model), Manufactured by M/s. Luhar Bhagwan Haka, Shramjivinagar, B/H Railway Crossing Savarkundla-364 515 (Gujarat) and which is assigned the approval mark IND/09/2003/29;

The Said Model (see the figure) is a Counter Machine. The maximum capacity is 10kg.



Further, in exercise of the powers conferred by sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the counter machine of same series with capacity ranging from 500g to 50kg Manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the approved Model has been manufactured.

[F.No. WM-21(200)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ, ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರಭಾರ),

ಪಿ.ಆರ್. 213 ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

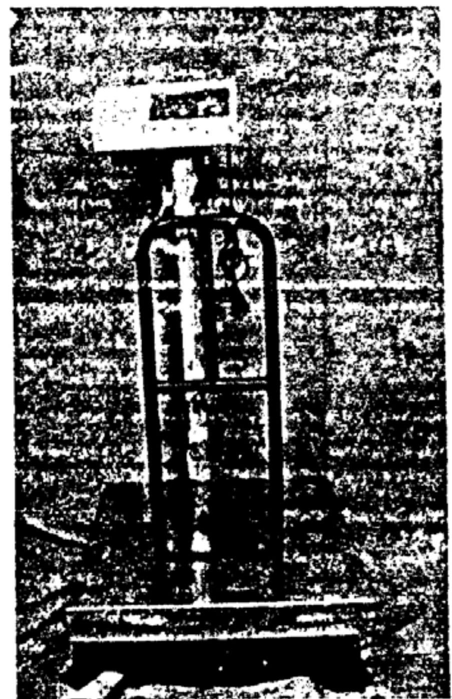
ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 222 ಕೇನಿಪ್ರ 2004, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 2ನೇ ಡಿಸೆಂಬರ್ 2004

2004ನೇ ಸಾಲಿನ ಜುಲೈ 10 ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 1578, [Notification No. F.No.WM-21(213)/2001], ದಿನಾಂಕ: 14.06.2004 ಮತ್ತು 1583 [F.No.WM-21(213)/2002] ದಿನಾಂಕ: 25.6.2004 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

New Delhi, the 24th June, 2004

S.O. 1578:- Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self-indicating, non-automatic (Plat form type) weighing instrument with digital indication of "IT" series of medium accuracy (accuracy Class-III) and with brand name "TOYO" (herein referred to as the said model), manufactured by M/s Atlas Weighing Equipments, 735, Dr. Mukherjee Nagar, Delhi-110 009 and which is assigned the approval mark IND/098/2003/489;



The said model (see the figure given below) is a strain gauge load cell based type dual range weighing instrument with a maximum capacity of 100 kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100

percent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternate current power supply.

Sealing: In addition to sealing stamping plate, sealing is done to prevent the opening machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of section, 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity ranging above 50kg to 300kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 10g or more and with 'e' value of 1x10' $2x10^k$ or $5x10^k$, k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principale, design and with the same materials with which, the said approval model has been manufactured.

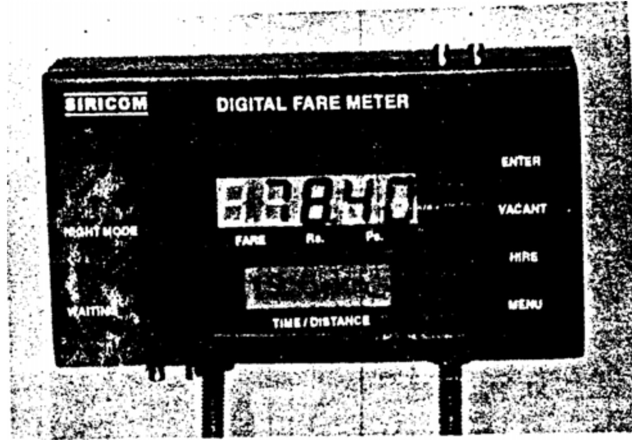
[F.No. WM-21(213)/2001]

P.A. KRISHNAMOORTHY, Director of Legal Metrology.

New Delhi, the 25th June, 2004

S.O. 1583:- Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-Sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of "Taxi Meter" with digital indication (hereinafter referred to as the said model) of "SIRI-412" Series with brand name "SIRI" manufactured by M/s. Siri Communication & Consultants, 31 A&B, Electronic Complex, Opp. Industrial Canteen, Kushaiguda, Hyderabad-500 062 and which is assigned the approval mark IND/09-03-561;



The said Model of "Taxi meter" is a time and distance measuring instrument which totalizes continuously and indicates the fare, at any moment of journey, the charges [ayable by the passenger of a public vehicle as function of the distance traveled and below a certain speed, the length of the time occupied, independent of supplementary charges according to the authorized tariffs. The 'K' factor is 700 pulses/kilometer.

[F.No. WM-21(330/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಪಿ.ಆರ್. 214 ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರಭಾರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 223 ಕೇನಿಪ್ರ 2004, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 2ನೇ ಡಿಸೆಂಬರ್ 2004

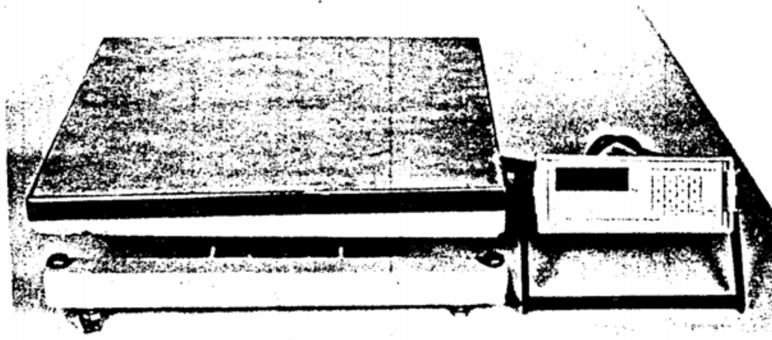
2004ನೇ ಸಾಲಿನ ಜುಲೈ 10 ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 1573, [Notification No. F.No.WM-21(268)/2001] S.O. 1574, [Notification F.No.WM-21 (299)/2001]

ಮತ್ತು S.O. 1577 [Notification No. F.No.WM-21(341)/2002] ದಿನಾಂಕ: 24.6.2004 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

New Delhi, the 24th June, 2004

S.O. 1573:- Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of substained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of non-automatic weighing instrument (Platform type) with digital indication of "CM 2002" series of medicum accuracy (Accuracy class-III) and with brand name "CMMC" (herein referred to as the said model), manufactured by M/s. Calcutta Machine Manufacturing Co., 8/H/1, Rammohan Bera Lane, Kolkotta-700046, and which is assigned the approval mark IND/09/2003/574;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 200kg minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing result The instrument operates on 230V, 50Hz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 500kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approval model has been manufactoured.

[F.No. WM-21(268)/2001]

P. A. KRISHNAMOORTHY. Director, Legal Metrology

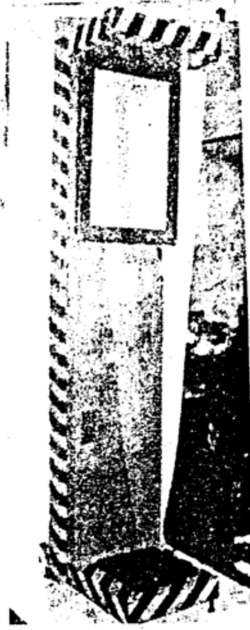
New Delhi, the 24th June, 2004

S.O. 1574:- Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of non-automatic weighing instrument (Person weighing machine) with printer and height sensor (hereinafter referred to as the said model) belonging to ordinary accuracy class (Accuracy class-IIII) and "NSC" series with brand name "DIGITAL 150A", Manufactured by M/s. Northern Scales Company B-31, Mayapuri Industrial Area, Phase-I, New Delhi-110 064, and which is assigned the approval mark IND/09/2003/610:

The said model is a mechanical spring based non-automatic weighing instrument (Person weighing machine) with printer and height sensor of maximum capacity 150 Kg. minimum capacity 5kg

and belonging to ordinary accuracy class (Accuracy Class-IIII) The value of verification scale interval 'e' is 500g.



Further, in exercise of the powers conferred by Sub-Section (12) of Section, 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 100kg and up to 150kg and with number of verification scale interval (n) in the range of 100 to 1000 for 'e' value of 100g or more and with 'e' value of $1x10^k$, $2x10^k$ or $5x10^k$, k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model have been manufactured.

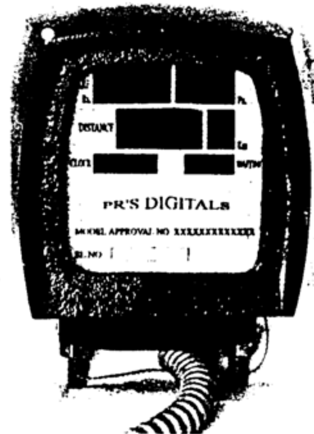
[F.No. WM-21(299)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology.

New Delhi, the 24th June, 2004

S.O. 1577:- Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of "Taxi Meter" with digital indication (herein referred to as the model) of "PR-2003" series with brand name "PR Digital Meter" manufactured by M/s PR'S Digitals, Plot No. 127, Road No. 74 Jubilee Hills, Hyderabad-500033 and which is assigned the approval mark IND/09/03-564;



The said model of "Taxi meter" is a time and distance measuring instrument which totalizes continuously and indicates the fare, at any moment of journey, the charges payable by the passenger of a public vehicle as function of the distance travelled and below a certain speed the length of the time occupied, independent of supplementary charges according to the authorized tariffs. The 'k' factor is 1390 pulses/kilometer.

[F.No. WM-21(341)/2002]

P.A. KRISHNAMOORTHY, Director of Legal Metrology.

ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಪಿ.ಆರ್. 215 ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರಭಾರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 225 ಕೇನಿಪ್ರ 2004, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 3ನೇ ಡಿಸೆಂಬರ್ 2004

2004ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 10 ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ G.S.R.582(E) [Notification F.No.9(7)2003-EC] ದಿನಾಂಕ: 6.9.2004 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Information Technology)

NOTIFICATION

New Delhi, the 6th September, 2004

G.S.R. 582(E):- In exercise of the Powers conferred by Clauses (b) and (c) of sub-section (2) of Section 87, read with sub-sections (1) and (2) of Section 6 of the Information Technology Act, 2000 (21 of 2000), the Central Government hereby makes the following rules, namely

1. Short title and commencement:- (1) These rules may be called the Information Technology (Use of Electronic Records and Digital Signatures) Rules, 2004.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions:- In these rules, unless the context otherwise requires:

(a) "Act" means the Information Technology Act, 2000 (21 of 2000);

(b) "electronic record" means data, record or data generated, image or sound stored, received or sent in an electronic form or micro film or computer generated micro fiche;

(c) words and expressions used herein and not defined but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Filing of form, application or any other document:- Any form, application or any other document referred to in clause (a) of Sub-section (1) of Section 6 of the Act may be filed with any office, authority, body or agency owned or controlled by the appropriate Government using the software specified by it and such office, authority, body or agency shall, while generating such software, take into account the following features of the electronic record, namely:

a) life time;
b) preservability;
c) accessibility;
d) readability;
e) comprchensibility in respect of linked information;
f) evidentiary value in terms of authenticity and integrity;
g) controlled destructibility; and
h) augmentability.

4. Issue or grant of any licence, permit, sanction or approval:- Any licence, permit, sanction or approval whatever name called referred to in clause (b) of sub-section (1) of Section 6 of the Act may be issued or granted by using the software specified under rule 3.

5. Payment and receipt of fee or charges:- The payment of receipt of any fee or charges for filing, creation or issue of any electronic record under clause (a) of sub-section (2) of Section 6 of the Act may be made in a cheque in the electronic foan.

Explanation:- For the purposes of this rule, "a cheque in the electronic form" has the meaning assigned to it in clause (a) of Explanation 1 to Section 6 of the Negotiable Instrument Act, 1881 (26 of 1881).

[F.No.9(7)/2003-EC]

S. LAKSHMINARAYANAN, Addl. Secy.

ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಪಿ.ಆರ್. 217 ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರಭಾರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 224 ಕೇನಿಪ್ರ 2004, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 2ನೇ ಡಿಸೆಂಬರ್ 2004

2004ನೇ ಸಾಲಿನ ಆಗಸ್ಟ್ 25 ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 949(E) [Notification No.TC-1/2001/223/1] ದಿನಾಂಕ:23.8.2004 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF RAILWAYS
(Railway Board)
NOTIFICATION
New Delhi, the 23rd August, 2004

S.O. 949(E):- In exercise of the Powers conferred by Sub-section (1) of Section 89 of the Railways Act, 1989 (No. 24 of 1989), the Central Government, being satisfied that it is necessary that the goods booked by trains intended solely for the carriage of goods to any Railway Station should be removed without delay from such Railway Station and having regard to the factors specified in the first proviso to that sub-section hereby declares the following Railway Stations as "Notified Stations' for the purpose of removal of goods without delay from such Stations for a period of six months with effect from 25.8.2004 namely:

240 Usalapur

South Western Railway

241 Baiyappanahalli
242 Bangalore City (Parcel)
243 Belgaum
244 Bellary
245 Bijapur
246 Davangere
247 Gadag
248 Hospet
249 Hubli (Goods)
250 Hubli (Parcel)
251 Koppal
252 Mysore
253 New Mysore Goods Terminal
254 Sanvordam (Kudachere)
255 Sattellite Goods Terminal/White Field
256 Shimoga Town
257 Tinaighat

Western Railway

258 Ahmedabad (BG & MG) Parcel
259 Anand
260 Ankleshwar
261 Bandra Terminus
262 Bharuch
263 Bhavnagar Terminus
264 Bhimasar
265 Chittaurgarh
266 Dahod
267 Dewas
268 Gandhidham
269 Godhra
270 Hapa
271 Indore (B.G.) (Goods & Parcel)
272 Indore (M.G.) (Goods & Parcel)
273 Jogeshwari AT (Goods)
274 Junagadh
275 Kandla Port
276 Kankariya
277 Lakshmibai Nagar
278 Mumbai Central (Luggage)
279 Mundra Port Terminal
280 Nadiad
281 Nagda
282 Parcel Depot Grant Road
283 Rajkot
284 Ranoli (Goods)
285 Ratlam (Goods & Parcel)
286 Ratlam (M.G.)
287 Samakhiali
288 Surat (Goods & Parcel)
289 Ujjain (B.G)
290 Vadodara Jn. (Goods Yard) & Vadodara (P)
291 Viramgam
292 Windmill

West Central Railway

293 Bhopal
294 Kachhpura
295 Satna
296 Kota

[No. TC-1/2001/223/1]
SHIV KUMAR CHOWDHRI,
Executive Director, Traffic Commercial (Rates)

ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಕೆ. ನೀಲಕಂಠಾಚಾರ್
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರಭಾರ),
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 216

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 226 ಕೇನಿಪ್ರ 2004, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 3ನೇ ಡಿಸೆಂಬರ್ 2004

2004ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 2 ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ G.S.R.563(E) [Notification F.No.23/31/2003-R&R] ದಿನಾಂಕ: 31.8.2004 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF POWER
NOTIFICATION
New Delhi, the 31th August, 2004

G.S.R. 563(E):- In exercise of the Powers conferred by clause (v) of Sub-section (2) of Section 176 of the Electricity Act, 2003 (36 of 2003), the Central Government hereby makes the following rules regulating the procedure for holding the inquiry by an adjudicating officer, namely:

1. Short title and commencement:- (1) These rules may be called the Procedure for Holding Inquiry by Adjudicating Officer Rules, 2004.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions:- (1) In these rules unless the context otherwise requires,-

(a) "Act" means the Electricity Act, 2003;

(b) "adjudicating officer" means the adjudicating officer appointed under Sub-section (1) of Section 143 of the Act;

(c) "section" means a section of the Act.

(2) Words and expression used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in that Act.

3. Procedure for holding Inquiry by adjudicating officer:- (1) Whenever the Central Commission appoints an adjudicating officer, a copy of the appointment order shall be provided to the person concerned.

(2) In holding an inquiry under the Act, the adjudicating officer shall, in the first instance, issue a notice to the person concerned requiring him to show cause within twenty one days from the date of issue of such notice, as to why an inquiry should not be held against him.

(3) Every notice under Sub-rule (2) shall indicate the nature of contravention alleged to have been committed.

(4) If, after considering the cause, if any, shown by concerned person or where no cause is shown, the adjudicating officer is of the opinion that an inquiry should be held, he shall for reasons to be recorded in writing, issue a notice for fixing a date for the appearance of that person either personally or through an authorised representative.

(5) The adjudicating officer shall provide an opportunity to the concerned person to produce such evidence as he may consider relevant and necessary for the inquiry.

(6) If any person fails, neglects or refuses to appear before the adjudicating officer as required under Sub-rule (2), the adjudicating officer may proceed with the inquiry in the absence of such person after recording the reasons for doing so

(7) The adjudicating officer, while holding an inquiry, shall follow as far as possible the same procedure as is followed in the proceedings of the Central Commission in exercise of its powers and in discharge of its functions under the provisions of the Act.

(8) The adjudicating officer shall complete the inquiry within sixty days from the date of his appointment.

(9) Where the inquiry may not be completed within the period of sixty days, the adjudicating officer may, after recording reasons in writing, seek extension of time from the Central Commission for a further period of sixty days.

[F. No. 23/31/2003-R&R]
AJAY SHANKAR, Addl. Secy.

ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಕೆ. ನೀಲಕಂಠಾಚಾರ್
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರಭಾರ),
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 218

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 227 ಕೇನಿಪ್ರ 2004, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 3ನೇ ಡಿಸೆಂಬರ್ 2004

2004ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 10 ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(i) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ G.S.R.561(E)[Notification F.No.P-16011/2/2003-PH] ದಿನಾಂಕ: 1.9.2004 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF HEALTH AND FAMILY WELFARE
(Departmet of Health)
NOTIFICATION
New Delhi, the 1st September, 2004

G.S.R. 561(E):- In exercise of the Powers conferred by Section 31 read with Section 6 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (No.34 of 2003), the Central Government hereby makes the following rules, namely:

1. Short Title, Extent and Commencement:-

(1) These rules may be called the Prohibition on sale of Cigarettes and Other Tobacco Products around Educational Institutions Rules, 2004.

(2) They shall extend to the whole of India

(3) They shall come into force on the 1st day of December, 2004.

2. Definitions:-

In these rules, unless the context otherwise requires,-

(a) "Act" means the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003;
(b) "Educational Institution" means places/centres where educational instructions are imparted according to the specific norms and include schools, colleges and institutions of higher learning established or recognized by an appropriate authority;
(c) "Section" means a section of the Act; and
(d) words and expessions used herein and not defined in these rules but defined in the Act, shall have the meanings, respectively, assigned to them in the Act.

3. Prohibition of Sale of Cigarettes and other Tobacco Products Around Educational Institutions.-

(1) Display of Board:- The owner or manager or any person in-charge of affairs of the educational institution shall display and exhibit a board at a conspicious place(s) outside the premises, prominently staring that sale of cigarettes and other tobacco products in an area within a radius of the hundred yards of the educational institution is strictly prohibited and that it is an offence punishable with the fine which may extend to two hundred rupees.

(2) Measurement of Distance:- Distance of one hundred yards shall be measured radially starting from the outer limit of boundary wall, fence or as the case may be, of the educational institution.

[F.No.P-16011/2/2003-PH]

BHAVANITHYAGARAJAN, Jt, Secy.

ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಪಿ.ಆರ್. 219 ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರಭಾರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 228 ಕೇನಿಪ್ರ 2004, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 3ನೇ ಡಿಸೆಂಬರ್ 2004

2004ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 6 ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(i) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ G.S.R.573(E)[Notification F.No.1/1/NCS-2004-C.CELL] ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

NATIONAL COMMISSION FOR SCHEDULE CASTES
(Formation notified vide file No. 17014/12/99-TDR, dated 19th February, 2004, Ministry of Tribal Affairs, Government of India)
[Under Article 338 (4) of the Constitution]
NOTIFICATION
New Delhi, the 6th September, 2004

G.S.R. 573(E):- The following is published for general information:

RULES OF PROCEDURE OF THE NATIONAL COMMISSION FOR SCHEDULED CASTES
CHAPTER - I
GENERAL

Constitution of the Commission

1. The National Commission for Scheduled Castes (hereinafter called the Commission) has been constituted under Article 338 of the Constitution of India as amended by the Constitution (Eighty-Ninth Amendment) Act, 2003. The Commission shall consist of a Chairperson, a Vice-Chairperson and three other Members.

Headquarters of the Commission

2. The Headquarters of the Commission shall be located at New Delhi.

3. The functions and responsibilities of the Commission as laid down in the Constitution are;

(a) to investigate and monitor all matters relating to the safeguards provided for the Schedule Castes under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;

(c) to participate and advise on the planning process of socio-economic development of the Schedule Castes and to evaluate the progress of their development under the Union and any State;

(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards.

(e) to make in such report recommendations as to the Measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes; and

(f) to discharge such other functions in relating to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the Provisions of any law made by Parliament, by rule specify.

4. The Commission shall function by holding 'sittings' and 'meetings' at any place within the country and also through its officers at the Headquarters and in the State Offices. The Members of the Commission including the Chairperson and the Vice-Chairperson shall function in accordance with the procedure prescribed under these rules.

CHAPTER-II

Division of responsibilities and allocation of work

Chairperson

5. The Chairperson shall be the head of the Commission and shall have the residuary powers to decide on all questions and matters arising in the Commission excepting such matters where specific provision has been made in these rules.

6. The Chairperson shall allocate subjects and responsibilities among the Members of the Commission. The Order allocating the subjects and responsibilities shall be circulated to all concerned by the Secretariat of the Commission.

7. The Chairperson shall be the authority to sanction leave and approve tours of the Members.

8. The Chairperson shall preside over the meetings of the Commission.

9. All important decisions in the Commission pertaining to the subjects allotted to the Members shall be taken with the approval of the Chairperson.

10. The Chairperson may call for any records on any matter which he/she considers important and may take a decision on it himself/ herself or, if necessary, place it at the meeting of the Commission.

Vice-Chairperson

11. The Vice-Chairperson shall preside over the meetings of the Commission in the absence of the Chairperson

12. The Vice-Chairperson shall perform such functions as are entrusted to him/her by the Chairperson.

Members

13. The Members of the Commission shall have collective responsibility and shall function by participating in the "meetings" and "sittings" of the Commission and looking after the subjects allocated to them. Important actions and decisions of a Member may be brought at a meeting of the Commission wihich may eview the same.

14. Any Member may suggest items for inclusion in the agenda of a meeting of the Commission and the same shall be so included after obtaining the consent of the Chairperson.

15. Each Member shall have overall responsibility of subjects and/or regions or State(s) as may be allocated to him.

16. The Members shall play the role of advising the State Governments under their jurisdiction on matters of planning and development relating to the welfare of Scheduled Cases. The Commission's Secretariat at Headquarters and the State Offices shall assist the Members in Keeping them fully informed of the problems and activities of the States and subjects under their respective charge.

17. One or more Members may, in accordance with the procedure specified in the rules elsewhere hold sittings of the Commission to give hearing to the cases or to collect evidence or information on any matter, issue or case under investigation or inquiry of the Commission.

18. The Members shall communicate their tour programme well in advance to the State Offices indicating in detail the purpose of the visit and to the State Govt. Department and other concerned for discussions/inquiry, etc., during the tour/visit. The Members will observe the norms laid down by the State Govts. regarding security/travel/ accommodation etc., during such tours.

Secretary

19. The Secretary shall be the administrative head of the Commission and shall assist the Commission in the discharge of its functions with the assistance of the officers of the Commission.

20. All Important administrative matters shall be placed before the Secretary who may pass general or specific orders on such matters.

21. The Secretary shall be responsible for having the agenda prepared for the meetings of the Commission and for circulating the minutes.

22. The Secretary shall assist the Commission in finalizing the Reports.

23. The Secretary may, in his discretion, delegate any of his functions or authority to a subordinate officer of the Secretariat.

CHAPTER-III
INVESTIGATION AND INQUIRY BY THE COMMISSION

Methods of investigation and inquiry

24. The Commission may adopt any one or more of the following methods for investigating or inquiring into the matters falling within its authority.

(a) by the Commission directly;

(b) by an Investigating Team constituted at the Headquarters of the Commission, and

(c) through its State Offices

Investigation and Inquiry by the Commission directly.

25. The Commission may hold sittings for investigation into matters relating to safeguards, protection, welfare and development of the Scheduled Castes for inquiry into specific complaints for which the Commission decided to take up investigation or inquiry directly. Such sittings may be held either at the Headquarters of the Commission or at any other place within the country.

26. The sitting (s) of the Commission would be held after giving due notice to the parties intended to be heard and also due publicity notice to the general public. Care will be taken to see that the members of the Scheduled Castes who are affected in the mater under investigation or inquiry are given due information through notice or publicity.

27. When a decision for direct investigation is taken, an officer not below the rank of Research Officer/Section Officer along with necessary staff may be attached to the Members(s) entrusted with such investigation or enquiry and they shall take all steps to arrange such sittings.

28.(i) In accordance with clause 8 of Article 338 of the Constitituion, while investigating in a matter referred to in sub-clause (a) or in inquiring into any complaint referred to in sub-clause (b) of clause (5) of Article 338, the Commission shall have all the powers of civil court trying a suit and in particular in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
(b) requiring the discovery and production of any document;
(c) receiving evidence on affidavits;
(d) requisitioning any public record or copy thereof from any court or office;
(e) issuing commission for the examination of witnesses and documents;
(f) any other matter which the President may, by rule, determine.

(ii) The Commission for the purpose of taking evidence in the investigation or inquiry may require the presence of any person and when considered necessary may issue summons to him/her. The summons for enforcing attendance of any person from any part of India and examining him/her during the course of investigation and inquiry by the Commission shall provide at least 15 days' notice to the person directed to be present before the Commission from the date of receipt of the summons.

29. Where the property, service/employment of Scheduled Castes and other related matters are under immediate threat and prompt attention of the Commission is required, the matter shall be taken cognizance by issue of telex/fax to the concerned authority for making it known to them that the Commission is seized of the issue. Urgent reply by telegram or fax shall be called from the concerned authority. In case no reply is received within ten working days, the authority concerned may be required to appear before the Commission at a shorter notice for enquiry.

30. The Commission may issue commission under clause 8(e) of Article 338 of the Constitution to take evidence in any matter under investigation or inquiry and for this purpose appoint any person by an order in writing. The Commission may make further rules for payment of fee and travelling and other allowances to persons appointed to take evidence on commission.

31. After holding the required sittings, the Member(s) who conducted the investigation shall make a report which shall be sent to the Secretary or any other officer authorized to receive the report. After examination, action may be initiated on the report with the approval of the Chairperson.

Investigation or inquiry by an Investigation Team constituted at the Headquarters of the Commission

32. The Commission may decide about the matter that is to be investigated or enqurred into by an Investigating Team of officials of the Commission, provided that in case the matter is urgent, the decision for such investigation or inquiry may be taken by the Chairperson.

33. The Investigating Team shall hold the investigation or inquiry, as the case may be, promptly and for this purpose, may initiate necessary correspondence including issuance of notices for production of documents in Form-I, appended to these rules.

34. The Investigating Team may visit the area concerned after observing due formalities for obtaining approval of tours and other administrative requirements and after giving information to the concerned local authorities regarding the matter, purpose, scope and procedure of the investigation or inquiry. The Investigating Team may enlist the help of the officers and staff of the concerned State Office but the responsibility of preparing and presenting the report shall rest with the head of the Investigating Team.

35.The Iinvestigating Team shall submit the repot of the inveatigation or inquiry, as the case may be, to the Secretary or a subordinate officer of the Commission as may be directed by general or specific orders within the stipulated time, if any. If the time limit stipulated is likely to be exceeded, the head of the Investigating Team shall obtain the orders of the Secretary through the Oficer-in-charge of the Mater. The report shall be examined and put up to the competent authority for a decision regarding the action to be taken on the report.

36. The report shall be placed before the Chairperson of the Commission who will take appropriate action in the matter.

Investigation and inquiry through the State Offices

37. The Chairperson, the Vice-Chairperson, the Members having jurisdiction over the subject or the Secretary of the Commission may decide about an investigation or inquiry that may be carried out through the State Offices of the Commission. The decision will be conveyed to the Offier-in-Charge of the concerned State Office who will be asked to get the matter investigated or inquired into within a stipulated time and send the report. The State Office shall conduct the investigation or inquiry through interrogation, on the spot visit, discussions and correspondence and examination of documents as may be necessary in the case and shall follow any special or general instructions issued in the matter by the Secretariat of the Commission from time to time.

38. If the investigation or inquiry cannot be completed within the stipulated time, the officer-in-charge or the State Office may send a communication to the Secretariat of the Commission before the expiry of the stipulated time and explain the circumstances and reasons for non-completion of the investigation or inquiry, as the case may be, within the stipulated time. The Secretary to the Commission or an officer acting under delegated functions may consider the request and communicate a revised date for the completion of the investigation or inquiry.

39. If during the course of investigation or inquiry, the Head of the State Office feels that it is necessary to invoke the powers of the Commission to require the production of any document or compelling the attendance of a person, he may make'a special report with full facts to the Secretariat of the Commission. On receipt of such special report, the matter shall be placed before the Secretary/Member in-charge of the subject/State/UT who may make an order that necessary legal processes to compel attendance or to require production of any document may be issued. The summons and warrants issued for the purpose may be served on the person concerned either directly or through the officer-in-charge of the State Office as may be directed by the Secretary/Member authorizing issue of such legal process.

40. After completion of the investigation or inquiry, as the case may be, the head of the State Office shall submit the report to the Secretary of the Commission suggesting the course of action that could be followed in the matter. The gist or findings of the report may be placed before the Secretary who may decide about further action in the matter.

Confidentiality of certain reports

41. The Commission may, through a decision at a meeting or otherwise, direct that the contents of any report made on any matter shall be kept confidential and shall not be revealed to any person other than those who have been authorized access to such report

Legal processes

42. All summons and warrants that are required to be issued in pursuance of the exercise of the powers of a civil court by the Commission shall be written in the prescribed form and shall bear the seal of the Commission. The legal process shall be issued from the Legal Cell of the Commission and shall bear

its seal. The provisions of the Code of Civil Procedure applicable for the service of the legal processes shall be followed by the commission.

Issue of letters and notices

13. Letters and notices requiring production of documents which are issued without exercising the powers of the Civil court by the Commission may be signed by an officer not below the rank of Research Officer/Section Officer.

Form of summons and warrants

44. The summons and warrants shall be as provided in Form II and III respectively, appended to these rules.

CHAPTERS-IV
MEETINGS OF THE COMMISSION

Frequency Of Meetings

45. The Commission shall meet at least once in two months. The notice for a meeting shall normally be issued two weeks in advance. Emergent meetings may also be called by the Chairperson either on his own or on the request of a Member or the Secretary for disposing of important matters requiring urgent consideration by the Commission.

Quorum

46. Presence of atleast three members including the Chairperson and/or Vice-Chairperson shall constitute the quorum for holding meeting of the Commission.

Matters requiring decisions by the Commission at its meetings

47. The following matters shall be brought up before the Commission at a meeting for consideration and decision:

(i) any amendment to these Rules of Procedure
(ii) matters to be investigated by the Commission directly;
(iii) all the reports that are required to be considered by the Commission as provided in these rules;
(iv) any matters that a Member may like to bring to the meeting, with the approval of the Chairperson;
(v) important matters relating to planning and development for the welfare and advancement of the Scheduled Castes and specially references received under Article 338 (9) of the Constitution; and
(vi) any matter that the Chairperson may direct to be placed at a meeting of the Commission.

Agenda for the meeting

48. The agenda will normally be circulated to all the Members at least seven days before the date of the meeting, provided that for an Emergent Meeting, this time limit may not apply.

49. The minutes of a meeting shall be circulated as soon as possible to all the Members.

Place of meeting of the Commission

50. Normally the place of meeting of the Commission shall be the Headquarters of the Commission at New Delhi The Commission may however, decide to hold a meeting at any other place in India

Fee

51. The Chairperson, the Vice-Chairperson and the Members shall not be entitled to any fee for sitting in the meeting of the Commission However, the entitlement of part time Members, if any, may be determined by the terms of appointment of such Members.

CHAPTER-V
SITTINGS OF THE COMMISSION

Need for sitting

52. Whenever a matter is to be investigated into directly by the Commission it may do so by holding sittings of the Commission. In the case of such sittings, the presence of all the Member may not be necessary.

Officers to be present

53. Whenever a Member(s) is holding a sitting, an officer of the Commission, not below the rank of Research Officer/Section officer, duly deputed for the purpose, shall be present to assist the Member(s) holding the sitting to discharge the functions properly and promptly. It shall be the duty of the officer to assist the Member(s) in preparing the report if called upon to do so by the Member(s). The officer shall also be responsible for assisting the Member(s) in following the prescribed procedure.

Frequency of sitting(s)

54. Sittings of the Commission may be held as and when necessary. The Commission may hold more than one sitting simultaneously in different parts of the country with different Members functioning separately.

Programme of the sittings

55. The programme of the sittings, both at the Headquarters and at other places, would normally be worked out each month in advance and duly circulated.

Defraying expenses to witnesses

56. The Commission may defray travelling expenses to persons who have been called through summons to appear before the Commission in a sitting, provided that the place of residence of one person is more than 8 kms. from the place of the sitting of the Commission. The amount so defrayed shall be limited to the actual traveling expenses plus Daily Allowance for the number of days that the person has appeared before the Commission in its sitting, provided that the person is not entitled to travelling and daily allowance from any other source. Persons who are employees of the Government/Public Sector Undertaking shall be deemed to be on duty if they are summoned to depose before the Commission or produce documents. The limit of travelling expenses shall be determined on the basis of the rail fare and road mileage calculated on the basis of the rates that may be prescribed by the Commission. In the case of any doubt regarding the entitlement of the person, the decision of the Secretary of the Commission shall be final.

57. The officer attached to the Member for the purposes of the sitting shall take steps to ensure that sufficient cash amount is carried if the sitting is held at a place other than the Headquarters of the Commission. The Secretariat of the Commission may devise a suitable procedure to ensure that such claims as above are paid on the spot and in cash to the person(s) so appearing.

58. The claim for traveling expenses as above shall not be admissible in the case of a person who appears before the Commission during any investigation or enquiry on his own accord or in response to a communication or notice which is not a summon issued by the Commission.

CHAPTER-VI

DUTIES OF THE STATE OFFICES OF THE COMMISSION

59. It shall be the duty of the State Offices of the Commission:

(i) To act as the "eyes and ears" of the Commission in the State(s) under their jurisdiction.

(ii) To maintain effective interaction and liaison with State Government/UT Administration on behalf of the Commission.

(iii) To serve on State Level Advisory Councils/Committees/Corporations, etc. on behalf of the Commission.

(iv) To provide information and documentation about the policies and programmes of the Union Government for the welfare and advancement of Scheduled Castes to the States, NGOs, Media in their respective jurisdiction, and obtain similar information and documentation from such organizations and provide to the Headquarters of the Commission information/documentation about important developments, social movements, policy changes etc. in State(s) affecting the interest of Scheduled Castes.

(v) To monitor and assist the working of voluntary and other non-governmental organizations receiving grant-in-aid from the Ministry of Social Justice and Empowerment as also other Ministries/Departments of the Central Government and the concerned State governments, foreign Adi Agencies etc., for Research Studies and any other development work relating to Scheduled Castes.

(vi) To conduct Research Studies, Seminars, Conferences, Surveys etc. either on their own or as entrusted to them by Headquarters from time to time.

(vii) to conduct on-the-spot inquiries into cases of atrocities on Scheduled Castes either on their own or as entrusted to them by Headquarters and interact with the concerned Administrative/ Police authorities having jurisdiction and report to the Headquarters.

(viii) To deal with complaints/ representations from individuals, Scheduled Castes Welfare Associations, etc., on various matters.

(ix) to participate and advise in the planning process for socio-economic development of Schedule Castes as envisaged under clause 5 of Article 338 of the Constitution of India.

(x) to collect, compile, analyse and monitor issues pertaining to development of Schedule Castes in the states sespecially with reference to Special Component Plan (SCP) and Special Central Assistance (SCA) and prepare drafts of Reports pertaining to the State(s) UT (s) under their jurisdiction.

(xi) To prepare and maintain a comprehensive and up-to-date database of Scheduled Castes population, education, development etc. in the State(s)/UT(s); and.

(xii) To perform any other duty specifically assigned/entrusted to the State Office(s) by the Commission or the Secretary or any other officer empowered in this regard.

CHAPTER-VII

ADVISORY ROLE OF THE COMMISSION

Interaction of the Commission with the State Governments.

60. The Commission shall interact with the State Government through its Members, Secretariat and the State Offices.

61. The Members in-charge of the State/UT would interact with the State Government/UT Administration through meetings, personal contacts, visits and correspondence. The information in this regard may be sent to the concerned Deptt/Organizations well in advance and the State Offices should also be informed about the same. For this purpose, detailed guidelines may be formulated by the Commission. The Secretariat of the Commission through its concerned Wing(s) would provide necessary assistance and information to the Member for enabling him to discharge his functions effectively. The State Governments should provide facilities for transport, security, accommodation etc. to the Member as per his entitlement.

Interaction with the Planning Commission

62. The Commission shall interact with the Planning Commission at appropriate levels through representation in the various Committees, Working Groups or other such bodies set up by the Planning Commission. The Commission shall indicate this requirement through general or specific Communication to the Planning Commission.

63. The Commission may request the Planning Commission to forward copies of all the documents concerning the process of planning and development and evaluation of all programmes and schemes touching upon the Scheduled Castes.

64. The Commission may decide about the manner of interaction between the Chairperson/Members of the Commission and the Deputy Chairman/Members of the Planning Commission.

Interaction of the State Offices with the State Governments

65. The State Offices of the Commission shall work in a manner so as to provide a regular and effective link between the State Governments concerned and the Commission. For this purpose, the Commission may send Communications to the State Governments suggesting that the officers-in-charge of the State Offices of the Commission may be taken on important Planning, Evaluation and Advisory bodies including Corporations concerned with the welfare, protection and development of the Scheduled Castes.

66. The officers-in-charge of the State Offices may be directed or authorized by the Commission to convey to any State authority the formal views, opinion or approach of the Commission on any specific or general mater or issue arising at any meeting or deliberation.

Research/Studies/Surveys/Evaluation

67. The Commission may undertake studies to evaluate the impact of the development schemes on the socio-economic development of the Scheduled Castes taken up by the Union or State Governments. For this purpose, the Commission may constitute Study Teams either at the Headquarters or at the State Offices. The Study Teams may undertake investigations, surveys or studies either in collaboration with Central or State Govt. authorities or Universities or Research Bodies, as the case may be, or may do so independently.

68. The Commission may entrust surveys or evaluation studies to any professional body or person considered suitable and competent to undertake such work and, for this purpose, may make any reasonable payment to such body or person towards the cost of the study by way of fee or grant.

69. The Studies so undertaken or their gists may form part of the Annual or Special Report of the Commission to be presented to the President or may be published separately by the Commission.

70. The Commission may forward a copy of such a study report to the Union or the State Government concerned, as the case may be, asking for their couments, if any. The comments or action taken reports by the Union/State Government may also from part of the Annual Report of the Commission.

CHAPTER-VIII

MONITORING FUNCTIONS OF THE COMMISSION

The Commission to determine subjects for monitoring

71. The Commission may determine from time to time the subjects or matters and areas that it would monitor relating to safeguards and other socio-economic development measures provided for the

Scheduled Castes under the Constitution or under any other law for the time being in force or under any order of the Govt.

Prescribing returns and reports

72. The Commission may prescribed periodical returns or reports to be furnished by any authority responsible for or having control of the subject matter of which monitoring is being done by the Commission.

73. The Commission may from time to time issue instructions to its State Offices to collect information and data on any particular subject or matter from the State Governments, Local bodies, Corporate Bodies or any other authorities which is charged with the implementation of the safeguards provided for the Scheduled Castes.

74. The Commission may direct its State Offices to process the information of data in the State Offices with a view to arriving at conclusions with regard to the deficiencies/ shortcomings discovered through such processing or analysis of the data and to bring these to the notice of the concerned authority for comments and rectification, where necessary.

75. The Commission may have date relating to the subjects monitored, collected at the headquarters and may prescribe returns and reports for the purpose to be sent directly to its Headquarters by the Ministries/Departments of the Central Government or a State Government or Public Sector Undertaking or any other body or authority which is charged with the responsibility of implementing safeguards relating to the Scheduled Castes.

Follow-up action

76. In order to ensure that monitoring is done effectively, the Commission, after getting the information as prescribed in the above rules and after reaching conclusions, may as early as possible send out communications to the concerned authority describing the shortcomings that have been noticed in the implementation of the safeguards and suggesting corrective steps. Decisions on sending out such a communication may be taken at a level not lower than that of Joint Secretary/Secretary at Headquarters. Directors-in-Charge of State Offices may take decisions on routine matter whereas they will seek approval of the Secretary and the concerned Member on complex and important matters affecting the interest of Scheduled Castes as a group.

77. The Commission may ask for the comments of the concerned authority on the action taken in pursuance of the coummunications sent under the Rule 76.

78. The Commission may include in its Annual Report or any Special Report, findings and conclusions arrived at through the process of monitoring of the subjects relating to the safeguards and socio-economic development measures provided for the scheduled Castes under the Constitution or under any other law for the time being in force or under any order of the Union/State Government.

CHAPTER-IX

Non-formal actions by the Commission

79. The Commission may initiate correspondence in special cases in matters which are not strictly covered under the law if the matter is such that the welfare of an individual person belonging to Scheduled Castes or that of a group of such persons is involved and it is necessary for the Commission in its inherent capacity as the protector of the interests of these classes of persons, to take action. The decivion for correspondence on such matter shall be taken at the level of Director or above.

80. All routine formal communications from the Commission shall be issued under the signatures of an Officer not below the rank of Research Officer/Section Officer.

81. The Commission can sue or be sued through its Secretary.

82. The Scheduled Castes in these rules will have the same connot action as is given in claue 10 of Article 338 of the Constitution.

Applicability of rules, etc., of the Central Government

83. All rules, regulations and orders issued by the Central Government and applicable in the Ministries/Departments will also apply in the Commission.

84. The provisions relating to the delegation of financial powers in the Government of India shall apply to the corresponding officers in the Commission.

Use of Staff cars

85. The Staff Car Rules of the Government of India shall apply for the purposes of utilization of staff cars in the Commission.

Decision on matters not specified in these rules

86. If a question arises regarding any such matter for which no provision exists in these rules, the decision of the Chairperson shall be sought. The Chairperson may, if he deems fit, direct that the matter may be considered at a meeting of the Commission.

FORM-I

NATIONAL COMMISSION FOR SCHEDULED CASTES

(A Consititutional body set up under Article 338 of the Constitution of India)

5th Floor, Loknayak Bhawan
New Delhi-110 003.

(Notice for collecting basic facts)

To

Wheras a Petition/Complaint/information has been received by the National Commission for Scheduled Castes from...................... or press news under caption .... appearing in .... dated..................... as enclosed and the Commission has decided to investigate/inquire into the matter in pursuance of the powers conferred upon it under Article 338 of the Constitution of India, you are hereby requested to submit the facts and information on the action taken on the allegations/ matters to the undersigned within 30 days of receipt of this notice either by post or in person or by any other means of Communication.

Please take notice that in case the Commission does not receive reply from you within the stipulated time, the Commission may exercise the powers of Civil Courts conferred on it under Article 338 of the Constitution of India and issue summons for your appearance in person or by a representative before the Commission.

Signature
Director/Dy.Secretary/Under Secretary/Dy. Director/Assistant Director/
Research Officer/Section Officer
National Commission for Scheduled Castes

Dated............

FORM-II

BEFORE THE NATIONAL COMMISSION FOR SCHEDULED CASTES

(A Constitutional body exercising powers of Civil Court under Article 338 of the Constitution of India).

SUMMONS

5th Floor, Loknayak Bhawan
New Delhi-110 003.

File No.

To

Whereas the National Commission has decided to investigate into the following matter in pursuance of powers conferred upon it under Article 338 of the Constitution of India, your attendance in hereby required in person to appear before the National Commission on the .... of .... 20 .... at .... hours at .... You are required to bring with you the connected documents for examination by the National Commission.

Case reference.

If you fail to comply with this order without lawful excuse, you shall be subjected to the consequences of non-attendance laid down in rule 12 of Order XVI of Code of Civil Procedure, 1908.

Given under my hand and seal of the National Commission for Scheduled Castes exercising powers of Civil Court this .... of .... 20 ....

Signature
Court Officer

SEAL

FORM-III

(Warrant of arrest of witness)

NATIONAL COMMISSION FOR SCHEDULED CASTES

(A Constitutional body exercising powers of Civil Court under Article 338 of the Constitution of India)

Loknayak Bhawan (Floor-V)
New Delhi-110003

To

Whereas .... R/o............... was duly served with a summons but has failed to attend (absconds and keeps out of the way for the purpose of avoiding service of a summons), the National Commission for Scheduled Castes exercising powers of a Civil Court under Article 338(8) of the

Constitution of India hereby order you to arrest and bring the said .... before the National Commission at New Delhi.

You are further ordered to return this warrant on or before the .... day of .... 200........ with an endorsement certifying the day and the manner in which it has been executed, or the reason why it has not been executed.

Given under my hands and the seal of the National Commission exercising powers of civil Court, this .... of 20

Signature
Court Officer

SEAL

[F.No.1/1/NCSC/2004-C.CELL]
P.S. RANA, Secy.

ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಕೆ. ನೀಲಕಂಠಾಚಾರ್
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರಭಾರ),
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

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ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 229 ಕೇನಿಪ್ರ 2004, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 6ನೇ ಡಿಸೆಂಬರ್ 2004

2004ನೇ ಸಾಲಿನ ಆಗಸ್ಟ್ 28 ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(i) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ G.S.R.287 [Notification F.No.11012/5/-2003 Estt(A)] ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(Department of Personnel and Training)
New Delhi, the 23rd August, 2004

G.S.R.287:- In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consulation with the comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1965, namely:

1. (1) These rules may be called the Central Civil Services (Classification, Control and Appeal) Amendment Rules, 2004.
   (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Central Civil Services (Classification, Control and Appeal) Rules, 1965, in rule 11, for item (iii a), the following shall be substituted, namely.

"(iiia) reduction to lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension."

[F.No.11012/5/2003-Estt. (A)]
SMT. PRATIBHA MOHAN, Director

Foot Note: The principal rules were published vide notification number 7/2/63-Estt. (A), dated 20th November, 1965 and subsequently amended by number,-

S.O.1149	dated the 13th April, 1966
S.O. 1596	dated the 4th June, 1966
S.O. 2007	dated the 9th July, 1966
S.O. 2648	dated the 2nd September, 1966
S.O. 2854	dated the 1st October, 1966
S. O. 1282	dated the 15th April, 1967
S.O. 1457	dated the 29th April, 1967
S.O. 3253	dated the 16th September, 1967
S.O. 3530	dated the 7th October, 1967
S.O. 4151	dated the 25th November, 1967
S.O. 321	dated the 9th March, 1968
S.O. 1441	dated the 27th April, 1968
S.O. 1870	dated the 1st June, 1968
S.O. 3423	dated the 28th September, 1968
S.O. 5008	dated the 27th December, 1969
S.O. 397	dated the 7th February, 1970
S.O. 3521	dated the 25th September, 1971
S.O. 249	dated the 1st January, 1972

S.O. 990 dated the 22nd April, 1972
S.O. 1600 dated the 1st July, 1972
S.O. 2789 dated the 14th October, 1972
S.O. 929 dated the 31st March, 1973
S.O.1648 dated the 6th July, 1974
S.O. 2742 dated the 31st July, 1976
S.O. 4664 dated the 11th December, 1976
S.O. 3062 dated the 8th October, 1977
S.O.3573 dated the 26th November, 1977
S.O. 3574 dated the 26th November, 1977
S.O. 3671 dated the 3rd December, 1977
S.O. 2464 dated the 2nd September, 1978
S.O. 2465 dated the 2nd September, 1978
S.O. 920 dated the 17th February, 1979
S.O. 1769 dated the 5th July, 1980
S.O. 264 dated the 24th January, 1981
S.O. 2126 dated the 8th August, 1981
S.O. 2203 dated the 22nd August, 1981
S.O.2512 dated the 3rd October, 1981
S.O. 168 dated the 23rd January, 1982
Notification No.11012/15/85-Estt (A) dated the 5th July, 1985
Notification No.11012/05/85-Estt (A) dated the 29th July, 1985
Notification No.11012/06/85-Estt (A) dated the 6th August, 1985
S.O. 5637 dated the 21st December, 1985
S.O. 5743 dated the 28th December, 1985
Notification No.11012/24/85-Estt (A) dated the 26th November, 1986
S.O. 830 dated the 28th March, 1987
S.O. 831 dated the 28th March, 1987
S.O. 1591 dated the 27th June, 1987
S.O. 1825 dated the 18th July, 1987
S.O. 3060 dated the 15th October, 1988
S.O. 3061 dated the 16th October, 1988
S.O. 2207 dated the 16th September, 1989
S.O. 1084 dated the 28th April, 1990
S.O. 2208 dated the 25th August, 1990
S.O. 1481 dated the 13th June, 1992
G.S.R. 289 dated the 20th June, 1992/in Part, II Sec. 3, Sub-Sec (i)
G.S.R. 589 dated the 26th December, 1992
G.S.R. 499 dated the 8th October, 1994
G.S.R. 276 dated the 10th June, 1995
G.S.R. 17 dated the 20th February, 1996
G.S.R. 125 dated the 16th March, 1996
G.S.R. 417 dated the 5th October, 1996
G.S.R. 337 dated the 2nd september, 2000
G.S.R. 420 dated the 28th October, 2000
G.S.R. 211 dated the 14th April, 2001
G.S.R. 60 dated the 13th February, 2002
G.S.R. 2 dated the 3rd January, 2004
G.S.R. 113 dated the 10th April, 2004
G.S.R. 225 dated the 10th July, 2004

ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ನೀಲಕಂಠಾಚಾರ್

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ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರಭಾರ),
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.